



TREATY BODIES

Introduction

Treaty bodies are committees of experts responsible for monitoring the implementation of UN human rights instruments by States parties. In order to ensure compliance with these legally binding texts for the States that are party to them, the treaties have provided for treaty bodies to monitor their implementation. The committees are composed of 10 to 23 experts elected by the States parties, but independent, for renewable terms of 4 years. There are currently 10 treaty bodies and 3 are particularly relevant to FIACAT and the ACATs.

Treaty bodies	Corresponding treaties
Human Rights Committee (CCPR)	International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols (including the second, the OP2 , aiming at the abolition of the death penalty)
Committee against Torture (CAT)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Committee on Enforced Disappearances (CED)	International Convention for the Protection of All Persons from Enforced Disappearance

A fourth treaty body, the Subcommittee on Prevention of Torture (SPT), is the subject of a separate fact sheet because of its particular functioning.

How do treaty bodies work?

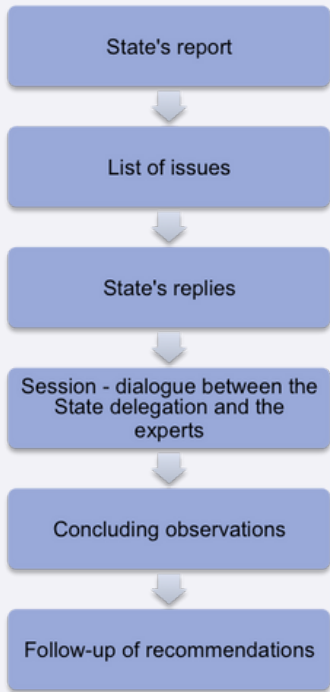
1) Periodic reports



States parties are required to submit a periodic report (every 2 to 5 years) outlining the administrative, legal, judicial or other measures taken to implement the provisions of the treaty concerned and the difficulties encountered. Following receipt of the State's report, the Committee will draw up a list of issues (LOI), i.e. questions for further information, to which the State must respond in writing. The State review then takes place during a session of the Committee and takes the form of a dialogue between the State delegation and the Committee's experts in order to further discuss the points raised in writing. On the basis of the information received and the dialogue, the Committee draws up its concluding observations, i.e. a list of recommendations. For follow-up, the CCPR and CAT identify priority recommendations at each review on which the State must provide a report one year later.

To ease this process, a simplified procedure has been introduced by some committees. States do not have to submit a report, but respond directly to the list of issues prior to reporting (LOIPR). The rest of the procedure remains unchanged.

Classic procedure



Simplified procedure



2) Consideration of complaints from individuals



Some committees have the competence to receive complaints from individuals who believe that their rights under the relevant treaty have been violated by a State party. These mechanisms are referred to as quasi-judicial, because although the committees are not courts, they can make findings of treaty violations and these findings are legally binding on States parties. The committees can thus request the State to provide reparation to the victim (including monetary reparation) and can even, in urgent cases, request interim measures pending the examination of the complaint. Once the complaint is registered, it is forwarded to the State for comment. The admissibility and merits of complaints are then examined in closed meetings. The complainant and the State are notified simultaneously of the Committee's decision. This decision may have an impact beyond the individual case and provide guidelines to prevent similar violations.

The State must then provide follow-up information on the implementation of the decision within a given timeframe.

3) Inquiries



The CAT and the CED may also conduct confidential enquiries when they receive serious information concerning serious or systematic violations by a State party of the treaty they monitor. However, this competence cannot be exercised against States that have indicated that they do not accept this procedure. This procedure is rarely applied.

- List of inquiries conducted by the [CAT](https://tinyurl.com/y3bwdepm) - <https://tinyurl.com/y3bwdepm>

4) General comments



Each treaty body may develop General Comments to express its interpretation of certain provisions of the treaty they monitor. States and NGOs can give their views before a General Comment is adopted.

5) Days of general discussion / thematic debates



Several treaty bodies hold days of general discussion on themes or issues of concern. These thematic discussions may be open to external participants, such as representatives of the UN, State parties and NGOs.

Opportunities for action by FIACAT and the ACATs

1) Contributing to periodic reviews



Prior to the review, civil society can be consulted during the drafting of the State report. NGOs also have the opportunity to submit alternative reports at different stages: 1) prior to the adoption of an LOI or LOIPR (to guide the Committees in the questions to be asked) or 2) prior to the review together with the State's responses to the LOI or LOIPR. The Committees value reports written by civil society in order to have multiple perspectives and on-the-ground information. Reports should be based on reliable and accurate information, including statistics, testimonies, legislation, studies, etc. This information should be presented in the order of the treaty provisions or questions asked by the Committee. Finally, it is advisable to conclude each section with suggestions of questions or recommendations.

During the review, most committees schedule private meetings (formal or informal) with members of civil society. In these meetings, experts can ask for additional information and civil society can support key points in their report to focus the debate on issues they consider crucial.

After the review, NGOs can contribute to the follow-up and implementation of the recommendations: by disseminating the concluding observations, by advocating with the State and working with it to implement the measures requested by the Committee, by raising awareness through events or mediatic interventions, by implementing projects or by providing a follow-up report together with the State report.

2) Submitting individual complaints



NGOs can accompany individuals in submitting individual communications / complaints. If the complaint cannot be anonymous, it is possible to request the confidentiality of the victim's identity. The conditions of admissibility to be met are:

- The State concerned is a party to the treaty concerned and has accepted the competence of the Committee to receive such communications (through a declaration 1 or the ratification of a specific instrument 2);
- The complaint specifically concerns a violation of one or more provisions of the treaty;
- Exhaustion of domestic remedies (may be disregarded if ineffective or unduly prolonged);
- The victim has given his or her consent;
- The absence of an ongoing examination by another international or regional judicial procedure (does not apply to communications before Special Procedures).

Attention: for the submission of individual complaints to the treaty bodies, the questionnaires available on their respective pages should be used.

3) Communicating information in the context of confidential inquiries

NGOs are at the centre of this procedure. Indeed, the vast majority of inquiries are opened on the basis of information provided by NGOs. In order

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1. Under Article 22 of the Convention against Torture for the CAT and under Article 31 of the Convention on Enforced Disappearances for the CED.
 2. Ratification of the first Optional Protocol to the ICCPR for the CCPR

to open this type of investigation, ACATs must provide serious evidence to justify their concerns.

4) Organising debates and thematic days



Some civil society actors can organise debates and thematic days. FIACAT can also organise events on issues of concern to ACATs and involve them.

Find out more

- [Presentation of the treaty bodies - OHCHR Handbook for civil society](https://tinyurl.com/yh32nztv) - <https://tinyurl.com/yh32nztv>
- [Fact Sheet No. 7 - Complaints Procedure](https://tinyurl.com/2atj6wn2) - <https://tinyurl.com/2atj6wn2>

